



State of Washington
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

In Re: Compliance with RCW 42.17A	PDC Case 80241
Jose Eligio Jimenez, Respondent.	Findings of Fact, Conclusions of Law, and Order Imposing Fine

Pursuant to the brief enforcement hearing (brief adjudicative proceeding) notice sent to Jose Eligio Jimenez on March 8, 2021, a brief adjudicative proceeding was held on April 1, 2021, remotely from Olympia, WA by live audio and online transmission, to consider whether the Respondent violated RCW 42.17A.700 by failing to timely file a Personal Statement of Financial Affairs (F-1 report), as an elected or appointed official covering calendar year 2019, on or before April 15, 2020.

The hearing was held in accordance with Chapters 34.05 RCW and 42.17A RCW and Chapter 390-37 WAC. Commission Chair Fred Jarrett was the Presiding Officer. The Commission staff was represented by Tabatha Blacksmith, Compliance Coordinator. The Respondent participated in the hearing by telephone.

Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent was a City Council Member for City of Toppenish for the term January 1, 2019 - November 25, 2019.
2. As an elected or appointed official, the Respondent was required to file an F-1 report covering calendar year 2019 on or before April 15, 2020.
3. The Respondent did file the missing F-1 report after the hearing notice was issued and prior to the date of the hearing.
4. The Respondent has one prior violation (PDC Case 10056), for which he filed the missing F-1 report. The Respondent provided PDC staff with written proof that the \$500 civil penalty in PDC Case 10056 was paid.

////

////

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concludes as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive, and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17A.700 by failing to file their F-1 report covering calendar year 2019 on or before April 15, 2020.

ORDER

On the basis of the foregoing Findings of Fact and Conclusions of Law,

1. **IT IS HEREBY ORDERED that the Respondent is assessed a total civil penalty of \$150, with \$50 suspended, in accordance with the F-1 report penalty schedule set forth in WAC 390-37-143.**
2. **It is further ordered that the Respondent:**
 - a. **Pay the \$100 non-suspended civil penalty within 30 days of the date of this Order. If the Respondent fails to pay the \$100 within 30 days, PDC staff is directed to refer the matter to collections.**
3. **It is further ordered that \$50 of the \$150 penalty is suspended on the following conditions:**
 - a. **The Respondent is not found to have committed any further violations of Chapter 42.17A RCW or Title 390 WAC within four years of the date of this Order. The suspended penalty shall not be assessed based solely upon any remediable violation, minor violation, or error classified by the Commission as appropriate to address by a technical correction.**
 - b. **The non-suspended portion of the penalty (\$100) is paid by the Respondent within 30 days of the date of this Order. If the Respondent fails to pay the non-suspended penalty of \$100 within 30 days, the suspended portion of the penalty shall immediately become due without further action by the Commission and PDC staff is directed to refer the matter to collections.**

This is an **Initial Order** of the Public Disclosure Commission.

Entered this 20th day of April, 2021.

Public Disclosure Commission

Electronically Signed

Peter Lavalley
Executive Director

I, Tabatha Blacksmith, certify that I emailed and mailed, at their respective address postage pre-paid, a copy of this order to the Respondent on the date stated herein.

Electronically Signed by Tabatha Blacksmith

4/20/2021

Signed

Date

APPEALS OF INITIAL ORDER

REVIEW OF INITIAL ORDER - BY THE COMMISSION

You may request that the full Commission review this initial order. To seek review, you must:

- Make the request by email, stating the reason for review, and identifying what alleged errors are contained in the initial order. *See* WAC 390-37-144(1).
- All requests for review must be submitted electronically to pdcc@pdc.wa.gov.
REQUESTS FOR REVIEW MUST BE RECEIVED BY THE COMMISSION WITHIN TWENTY-ONE (21) CALENDAR DAYS AFTER THE THIS INITIAL ORDER WAS ELECTRONICALLY DISTRIBUTED TO YOU.

If review of this initial order is timely requested, the full Commission will hear the matter. If the Commission is unable to schedule a meeting to consider the request within twenty (20) calendar days, this initial order becomes a final order, and any request for Review will automatically be considered a request for reconsideration of a final order. *See* WAC 390-37-144(4). The matter would then be scheduled for consideration and disposition at the next Commission meeting at which it is practicable to do so.

A Respondent does not need to pay a penalty until after the Commission rules on a request for review of an initial order.

FURTHER APPEAL RIGHTS – SUPERIOR COURT

If the Commission does not receive a request for review of this initial order within twenty-one (21) calendar days, the initial order shall be the FINAL ORDER. *See* WAC 390-37-142(7).

YOU HAVE THE RIGHT TO APPEAL A FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.514 *et seq.*